

Surrogate maternity ABSTRACT

This graduation theses deals with surrogacy, which is really an actual and discussed issue at the present time.

The thesis is divided into three main chapters, the first one is devoted to assisted reproduction, the second one belongs to surrogacy, the third chapter deals with determining parentage of artificial insemination.

The first part considering assisted reproduction contains a short analysis of this issue from the medical and juridical point of view and also shows an overview of infertility causes and their therapies.

The second chapter shows legal regulations of surrogacy abroad that could be seen as an inspiration for both, the current and future legislation of the Czech Republic. This chapter also pays attention to particular law institutes that temporarily adjust this subject-matter, especially the contracts between surrogate mother and requesting couple, adoptions by surrogate mother and is briefly focused on criminal legislation. A view at the change of legislation in connection with acceptance of new civil code is part of this chapter as well.

The third and the last chapter is devoted to determination of parenthood. As regards the paternity, there are three basic hypothesis accepted, that are however modified by the legislation of assisted reproduction in some detail. Determination of maternity, originally a simple question, significantly changes due to development in medicine in the field of assisted reproduction. The fundamental thesis valid since the time of Roman law saying that the mother of a child is the woman in its childbed has not been revised yet.

At present time, the Czech Republic lies in a legal vacuum as regards the legal regulations on surrogacy. In my thesis, I wanted to point out problems coming up in connection with this institute and assisted reproduction in general. The aim was to outline possible legal regulations considering an eventual inspiration with foreign legal regulations.